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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,364	06/07/2001	Alvin Costa	14077/257986	9165
23370	7590	11/17/2004	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			CHORBAJI, MONZER R	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,364

Applicant(s)

COSTA ET AL.

TH

Examiner

MONZER R CHORBAJI

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/07/01 & 09/18/02.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

This general office action is in response to the application filing date of 06/07/2001

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Messinger et al (U.S.P.N. 4,617,117).

With respect to claims 1 and 12, the ('117) reference discloses a vessel (the chlorinator) including the following: an inlet (7), an outlet (12), a base (unlabeled bottom of 1 in figure 2), a cover (4) having a peripheral flanged portion (17) and a central portion (unlabeled central part of 4 in figure 2), a cap assembly (16) surrounding at least a portion of the periphery so that loading of the cover occurs principally at the periphery (loading of 4 in figure 2 occurs at the periphery), a generally-cylindrical wall (1) and having an interior surface and a threaded exterior surface, a jack ring (18) adapted to engage the threads of the exterior surface of the wall and including a ledge (unlabeled interior surface of 18 in contact with 17), a cap (16) integrally formed with the jack ring (18), a wall extending from the central portion (unlabeled extending downward wall of 4 in figure 2), the peripheral flanged portion (17) is sandwiched between the cap (16) and the jack ring (18), the wall friction-fitted into contact with the generally-cylindrical wall (unlabeled extending downward wall of 4 in figure 2) when the threads of the jack ring

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(18) engages the threads of the generally-cylindrical wall (1), the wall defining a groove with an o-ring positioned within it (6), and water-purification material contained within the generally-cylindrical wall (col.4, lines 65-68).

With respect to claims 2-6, 10-11 and 13, the ('117) reference teaches the following: the cover includes a flange forming the periphery (17), the cover includes a central portion (unlabeled central part of 4 in figure 2) bounded by the flange (17) and a first wall extending from the central region (unlabeled extending downward wall of 4 in figure 2), a base (unlabeled bottom of 1 in figure 2) and a second wall extending from the base (unlabeled walls of 1 in figure 2), a ring (18), a cap integrally formed with the ring (16), a jack ring and a cap integrally formed with the jack ring (16 and 18), the cover has a ridged upper surface (unlabeled ridged upper surface of 4 in figure 2), a sealing ring (6) within a groove (unlabeled groove in figure 2) of the first wall of the cover, and the second wall is tapered (for example, the unlabeled right wall in figure 2 of 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messinger et al (U.S.P.N. 4,617,117) in view of Cooper (U.S.P.N. 4,316,801).

The teachings of the ('117) reference have previously been set forth with regard to claims 1-6 and 10-13. With respect to claim 7, the ('117) reference fails to show that the jack ring and the cap can be connected and disconnected from each other. The ('801) reference shows a jack ring (10) and a cap (2) that can be connected and disconnected from each other using corresponding threads as shown in figure 2. Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a threaded cap as shown in the ('801) reference for the integrally formed cap since such a substitution is a matter of choice of design evidenced by the cap of the ('117) reference.

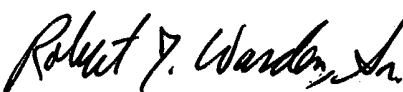
With respect to claims 8-9, the (117) reference discloses the following: a vessel with an interior volume (1 and 2) in which water-purification material is positioned (col.4, lines 65-68), a jack ring defining a ledge (18), a cap integrally-formed with the jack ring (16) and the cover contacts the ledge (17).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kanner (U.S.P.N. 4,996,027), Rademacher (U.S.P.N. 4,303,515) and Archer et al (U.S.P.N. 5,660,802) teach similar vessels as disclosed in the instant claims.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONZER R CHORBAJI whose telephone number is (571) 272-1271. The examiner can normally be reached on M-F 6:30-3:00.
9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT J WARDEN can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monzer R. Chorbaji MRC
Patent Examiner
AU 1744
11/01/2004


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